

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

RONALD T. WOODS, JR.

PLAINTIFF

VS.

CIVIL NO. 1:93CV119-D

WINSTON COUNTY BOARD OF SUPERVISORS,
BILLY ROSAMOND, CALVIN HAMPTON,
CURTIS AUSTIN, JOHNNY HOLDNESS
and GARY CLARK

DEFENDANTS

MEMORANDUM OPINION

On June 1, 1994, a non-jury trial was held before the undersigned United States Magistrate Judge by consent of the parties. Ronald T. Woods has filed this §1983 lawsuit complaining that he was denied exercise, recreation and medical treatment for one year while confined from November 22, 1991, through December 20, 1992, charged with two counts of murder in the Winston County Jail. Woods was a pretrial detainee for eleven or twelve of those thirteen months.

In Ruiz v. Estelle, 679 F.2d 1115, 1152 (5th Cir. 1982), the Fifth Circuit Court of Appeals set out the appropriate analysis for an exercise claim:

Of particular importance in determining an inmate's need for regular exercise are the size of his cell, the amount of time the inmate spends locked in his cell each day, and the overall duration of confinement.

The Court warned that "the evidence in each case should support the existence of any health hazard under the specific circumstances involved." 679 F.2d at 1152.

The evidence showed the County Jail was built in 1947, accomodates 32 prisoners, and has no exercise yard. Prisoners are allowed to exercise in their cells. The largest cell, the bullpen, is approximately 16' x 20' and contains 4 beds. Smaller cells are approximately 6' x 12' or 8' x 12' and have two beds. Day areas are 12' x 12'. Woods offered little testimony about lack of exercise or its detrimental effects upon him except to say that his anxiety was increased and that his lack of exercise decreased his general well-being. The sheriff testified that the plaintiff did request to exercise.

While the court is of the opinion that some regulated exercise is preferable for inmates that are locked in their cell each day, there was no evidence produced that plaintiff suffered any health hazard under the specific circumstances. Id.; see also, Green v. Ferrell, 801 F.2d 765 (5th Cir. 1986). Accordingly, plaintiff's claim for lack of exercise must fail.

Woods' testimony at trial concerned primarily his medical conditions and treatment. He saw a physician three times during his confinement. Prior to his incarceration plaintiff developed an ulcer. In December 1991 he began to notice blood in his stool. Although he sought medical attention, it was approximately a month or two before he saw a physician and received medication. Winston County paid for the first prescription, and Woods paid for the refill. His second visit occurred when he fell and cut his head, requiring 3 to 5 stitches around April 1992 or thereafter. The

third was a follow-up visit to remove the sutures. This cost was paid by Winston County. Another time when Woods believed he was having a heart attack, Hampton discounted his symptoms and refused to take him to a physician unless plaintiff paid the charges. There is no evidence that plaintiff was in fact suffering from any heart problems, and no harm came to him from failure to obtain medical attention.

Other inmates testified that at various times they sought medical attention while confined at Winston County Jail and had been refused or delayed.

The Sheriff testified that it was his practice to seek a doctor's office appointment for a sick inmate in order to avoid an emergency room fee and to ask the sick inmate if he could pay; if he could not, the county paid. Medical attention was never denied plaintiff.

Pre-trial detainees are entitled to reasonable medical care unless the failure to supply it is reasonably related to a legitimate governmental objective. Rhyne v. Henderson County, No. 90-4484, (5th Cir. Sept. 14, 1992); Cupit v. Jones, 835 F.2d 82, 85 (5th Cir. 1987); Van Cleave v. United States, 854 F.2d 82, 84 (5th Cir. 1988); Thomas v. Kippermann, 846 F.2d 1009, 1010 (5th Cir. 1988). From a clear reading of the evidence, Woods received reasonable medical care for all his real medical needs.

An order in accordance with this memorandum opinion shall be entered rendering judgment for the defendants.

This _____ day of December, 1994.

UNITED STATES MAGISTRATE JUDGE